

programs administered by the board, the federal government, state agencies, tribal
nts, local public housing authorities, and local governments.
En. Sec. 5, Ch. 312, L. 1999.

36. Administrative rules. The board shall adopt rules to implement 90-6-131
90-6-136. The rules must address:
the development of eligibility criteria for applicants;
the development of an application process for requesting financial assistance;
the establishment of a procedure for disbursing financial assistance;
the establishment of the terms and conditions of a loan, including the method and
e of repayment and the applicable rate of interest;
the development of a process for awarding technical assistance contracts; and
other matters necessary for the administration of 90-6-131 through 90-6-136.
ory: En. Sec. 6, Ch. 312, L. 1999.

References
option and publication of rules, Title 2, ch. 4, part 3.

Part 2 Coal Impacts — Evaluation and Abatement Funding

Part Cross-References

Coal severance tax, Art. IX, sec. 5, Mont. Const.; Title 15, ch. 35.
Montana Major Facility Siting Act, Title 75, ch. 20.

90-6-201. Purpose. The purposes of this part are to assist local governmental units that
have been required to expand the provision of public services as a consequence of large-scale
development of coal mines and coal-using energy complexes or as a consequence of a major
decline in coal mining or in the operation of coal-using energy complexes, to assist in the
construction and reconstruction of designated portions of highways that serve the area affected
by the large-scale development, to support county land planning, and to support public schools
throughout the state.

History: En. 50-1706 by Sec. 1, Ch. 502, L. 1975; R.C.M. 1947, 50-1801; amd. Sec. 76, Ch. 509, L. 1995; amd.
Sec. 1, Ch. 204, L. 1997.

Cross-References
Public school fund, Art. X, sec. 2, Mont. Const.
Allocation of coal severance taxes, 15-35-108.

90-6-202. Account established. There is within the state special revenue fund a coal area
highway improvement account.

History: En. 50-1702 by Sec. 2, Ch. 502, L. 1975; R.C.M. 1947, 50-1802; amd. Sec. 47, Ch. 291, L. 1983; amd.
Sec. 5, Ch. 662, L. 1987; amd. Sec. 46, Ch. 11, Sp. L. June 1989; amd. Sec. 77, Ch. 509, L. 1995.

Cross-References
Fund structure, 17-2-102.

90-6-203. Definition of coal board. "Board" means the coal board provided for in
2-15-1821.

History: En. 90-6-203 by Code Commissioner, 1979; amd. Sec. 4, Ch. 274, L. 1981.

90-6-204. Chairman, meetings, compensation, and facilities. (1) The board shall elect
a chairman from among its members.

(2) The board shall meet quarterly and may meet at other times as called by the chairman
or a majority of the members.

(3) Members are entitled to compensation as provided for in 2-15-124(7).

(4) The department of commerce will provide suitable office facilities and the necessary
staff for the coal board.

History: En. 50-1705, 50-1708 by Secs. 6, 9, Ch. 502, L. 1975; R.C.M. 1947, 50-1805, 50-1806; amd. Sec. 78, Ch. 509, L. 1995.

(4) award grants, subject to 90-6-207, from available funds:

(a) to local governmental units, state agencies, and governing bodies of federally recognized
Indian tribes to assist local governmental units and federally recognized Indian tribes in
meeting the local impact of coal development or a major decline in coal mining or in the operation
of coal-using energy complexes by enabling them to adequately provide governmental services
and facilities that are needed as a direct consequence of an increase or decrease in coal
development or in the consumption of coal by a coal-using energy complex; and

(b) notwithstanding the provisions of 90-6-207, to the department of transportation,
established in 2-15-2501, to expedite the construction, repair, and maintenance of deficient
sections of highway within the area designated in 90-6-210 if the deficiency is the direct result of
increased traffic accompanying the development of coal resources; and

(5) award a grant to a local governmental unit for the purpose of paying for part or all of the
credit that the local governmental unit is obligated to give to a major new industrial facility that
has prepaid property taxes under 15-16-201. The board shall award the grant in accordance with
90-6-206.

History: En. 50-1706 by Sec. 7, Ch. 502, L. 1975; amd. Sec. 3, Ch. 540, L. 1977; R.C.M. 1947, 50-1806(part);
(6) En. Sec. 1, Ch. 250, L. 1983; amd. Sec. 1, Ch. 630, L. 1983; amd. Sec. 1, Ch. 619, L. 1985; amd. Sec. 2, Ch. 715, L.
1985; amd. Sec. 2, Ch. 733, L. 1985; amd. Sec. 2, Ch. 5, Sp. L. June 1986; amd. Sec. 2, Ch. 15, Sp. L. June 1986;
amd. Sec. 6, Ch. 662, L. 1987; amd. Sec. 3, Ch. 512, L. 1991; amd. Sec. 78, Ch. 509, L. 1995; amd. Sec. 2, Ch. 204, L.
1997.

Cross-References

Adoption and publication of rules, Title 2, ch. 4, part 3.
Allocation of severance taxes, 15-35-108.
Fund structure, 17-2-102.
Indian affairs — legislative policy, 90-11-101.

90-6-206. Basis for awarding grants. (1) Grants must be awarded on the basis of:

(a) need;
(b) degree of severity of impact from an increase or decrease in coal development or in the
consumption of coal by a coal-using energy complex;
(c) availability of funds; and
(d) degree of local effort in meeting these needs.

(2) In determining the degree of local effort, the board shall review the millage rates levied
for the present fiscal year in relation to the average millage rates levied during the 3 years
immediately preceding the year of application for assistance.

(3) Millage rates for the present fiscal year that are lower than the average millage rate
levied during the 3 years immediately preceding the year of application for assistance must be
considered by the board to indicate the lack of local effort. The application under these
circumstances may be rejected.

(4) Further, in determining the degree of local effort, the board shall consider the possibility
of requiring that local governmental unit to increase its bonded indebtedness to provide all or
part of the governmental service or facility that is needed as a direct consequence of an increase
or decrease in coal development or in the consumption of coal by a coal-using energy complex.

(5) To the extent that funds are needed to evaluate and plan for the impact needs caused by
the increase or decrease in coal development or in the consumption of coal by a coal-using energy
complex, consideration of bond issues and millage levies may be waived.

(6) To the extent that the applicant has no history of mill levies, subsections (2) and (3) do
not apply.

History: En. 50-1706 by Sec. 7, Ch. 502, L. 1975; amd. Sec. 3, Ch. 540, L. 1977; R.C.M. 1947, 50-1806(part);
amd. Sec. 1, Ch. 619, L. 1979; amd. Sec. 2, Ch. 690, L. 1983; amd. Sec. 3, Ch. 204, L. 1997.

Cross-References

Authorization for county mill levy, 7-6-2501.
Authorization for tax levy and collection by municipalities, 7-6-400.